

**REMARKS**

Claim Amendments

Claims 28 and 39-45 are pending in the application. Upon entry of the present Amendment, claims 28, 39 and 40 will be pending.

Specification Amendments

The specification is being amended to insert sequence identifiers into the specification. Sequence identifiers for the two nystatin sequences in Figure 5 and the one nystatin sequence in Figure 8 have been added to the brief descriptions of Figures 5 and 8. Both a marked-up and clean copy of the substitute specification are being filed herewith.

Substitute Sequence Listing

Because the Sequence Listing did not previously include two nystatin sequences in Figure 5 and the one nystatin sequence in Figure 8, a substitute sequence listing is being submitted herewith.

Comments

Applicants thank the Examiner for the helpful and productive telephone conference on November 14, 2007. The Examiner expressed some concern that the activity recited in claim 39 was a general activity that could be broadly applied to all members encoded by the genetic locus disclosed in the instant application. Applicants respectfully note that the polyene synthase activity recited in claim 39 is specific to the polypeptide of SEQ ID NO:31, and eight other proteins encompassed by the locus (see paragraph 145, lines 23-25). Indeed, as disclosed in paragraph 145 of the specification, each of the particular polypeptides encoded by the locus is defined as having differing and specific activities. Therefore, claim 39 has not been amended. Applicants would be happy to discuss this point further with the Examiner by telephone if it would be helpful.

In light of the above, Applicants believe that this application is now in condition for allowance. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

In the event any variance exists between the amount of fees paid upon filing this document and the Patent Office charges for filing this document, including any fees required under 35 CFR 1.136 for any necessary extension of time to make the filing of this document timely, please charge or credit the difference to Deposit Account No. 13-2725. Further, if these papers are not considered timely filed, then a request is hereby made under 37 CFR 1.136 for the necessary extension of time.

Respectfully submitted,  
MERCHANT & GOULD, P.C.

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Date

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